

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2463 of 2020**

Veena Singh Wd/o Late Sukhdev Singh, Aged About 60 Years, Owner Of Land Bearing Khasra No. 912,911,908/1, 908/4,908/5,909, Village Gatori, R/o Shiv Ghat, Sarkanda, Tahsil And District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. Union Of India Through The Secretary, Ministry Of Road Transport And Highways, New Delhi 110001
2. National Highway Authority Of India Through The Chairman, G -5 And 6, Sector 10, Dwarika, New Delhi
3. Chief Engineer, Public Works Department, National Highway Division Raipur, District Raipur, Chhattisgarh
4. Sub Divisional Officer (Revenue) Cum Competent Authority, National Highways Bilaspur, District Bilaspur, Chhattisgarh
5. Collector, District Bilaspur, Chhattisgarh
6. Project Director, NHAI Project Implementation Unit Bilaspur Chhattisgarh
7. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sushobhit Singh, Advocate
For Respondents 1 to 3 & 6	:	Mr. R. K. Mishra, Advocate
For Respondents 4 & 5	:	Mr. S. Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board**

28.10.2020

1. The challenge in the present writ petition is to the award that was passed as early as on 01.07.2018 and the writ petition has now been filed after more than 2 years 3 months. The petitioner seems to be dissatisfied with the compensation awarded and paid to her.
2. The dispute raised by the petitioner is in respect of the minimum market value guidelines which have been applied by the respondents while quantifying the compensation.
3. Counsel for the petitioner relies upon a Division Bench decision of this High Court in a bunch of writ appeals, the leading of which being Writ Appeal No. 7 of 2019 along with other analogous writ appeals, decided on 06.12.2019.
4. At the outset, this Court is of the opinion that the present writ petition has been filed with an inordinate delay. As regards the writ appeals which have been relied upon, those were the matters where the writ petitions were promptly filed immediately after the award was published unlike in the present case where the present writ petition has been filed after more than 27 months from the date the award was passed. No plausible explanation has been provided by the petitioner as to why she did not challenge the award promptly. The judgment passed by this High Court cannot be a basis on which the petitioner could have approached the High Court for enhancement of compensation from an award which was passed more than 27 months back.
5. Another reason why this Court is reluctant to entertain the writ petition is that the compensation admittedly has been quantified and paid to the petitioner invoking the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement

Act, 2013 (hereinafter referred as "the Act, 2013"). The said Act is a complete code in itself which provides procedure and mechanism for determining compensation and also provides the remedies available to a person if he is not satisfied with the amount of compensation awarded. Section 64 of the said Act of 2013 envisages that a person who is not satisfied with the award may move an application to the Collector promptly who in turn on due scrutiny of the same may make a reference to the authority constituted under the said Act for determining proper compensation.

6. In addition, if the petitioner was not satisfied with the award, then the provisions of the National Highways Act, Section 3 G (5) also provides a remedy by moving an appropriate application to the Arbitrator appointed by the Central Govt. to determine proper compensation.
7. All these remedies available to the petitioner was not availed at the proper time and at the same time, the petitioner has accepted the compensation awarded and has received the amount. However, now after a period of more than 27 months, the petitioner has filed the present writ petition challenging the award and also the compensation paid. The remedy of writ should not be available to a person who is indolent of his right and who approaches the Court after sleeping over his right for a considerable period of time. This aspect needs no further deliberation as the law in this regard is well settled by a catena of decisions. Only because a writ petition of similar nature or a writ appeal of similar nature stands decided cannot be a ground for permitting a person to approach the writ Court in respect of a stale matter.
8. However, the right of the petitioner would stand reserved in preferring

an application either under Section 64 of the Act of 2013 before the Collector for proper compensation or under Section 3 G (5) of the National Highways Act before the Arbitrator in case the petitioner approaches along with an application for condonation of delay explaining the delay that has transpired.

9. In view of the same, this Court is reluctant to entertain the writ petition at this juncture and the same accordingly stands rejected.

**Sd/-
P. Sam Koshy
Judge**